

Order

Michigan Supreme Court
Lansing, Michigan

January 30, 2006

Clifford W. Taylor,
Chief Justice

129732

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 129732
COA: 263990
Genesee CC: 03-012101-FH

DONALD MICHAEL KELLY,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 31, 2005 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. We take this opportunity to clarify that, although defendant is not entitled to the new sentencing provisions contained in MCL 333.7401(2)(a)(iii), he is entitled to early parole eligibility under MCL 769.234(12). Defendant committed his offense before March 1, 2003, and that statute grants early parole eligibility to persons convicted of “violating or conspiring to violate section 7401(2)(a)(iii) . . . before March 1, 2003.”



s0123

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 30, 2006

Corbin R. Davis

Clerk